1954. **File No.** BRA/1454(K)

Dd Dept II CSW

R.H.A.B.I **DEPARTMENT**

Gt. **BRANCH** **B Class**

Subject:— Karnatak

Bombay Rent Act of 1947

Complaint against Sarpanch
& police Patil at
Khanapur

SO
C

Karnatak

BRA 1454 (K)

File No. D Class

Std. Sectt. Slip. 24 A

2004—5,00,000—9-52—K2*
G.R., G. D., No. 2408, dated 22-6-22.]

Std. Sectt. 78 e.

Correspondence

DOCKET SHEET

Subject :— Complaint against Sarpanch & police Patil at Khanapur

File No. BRA 1454

P.W. **DEPT.**

H **BRANCH.**

References :—

Date.	To whom sent.	Notes and instructions.

25 | R. D. (F).

The applm. is reg. possession of residential premises. It may be forwarded for necessary action to the R. D. Accomn. Br.

KBN

14/53.

A.S.(II)

RO/K

53

Please see appln. of Udavaiyya Chambayya Vastrad. The appln. falls under the Rent Control Acts and hence it may be passed on to the PWD. for necessary action.

8/4/53.

9.4.53

S.S. 13/4 Lr. to PWD dt. 10-4-1953

P. W. D.
BRA 1453
42722

M
13/4

H
13-4-53

H Br

BRA 1453/42722

P.W.D

Submitted.

2 Shri Vastrad of Khanapur, Dist Belgaum has complained to govt that the Sarpanch of the Village Panchayat Committee and the Police Patil of Khanapur are obstructing him ~~fro~~ and do not allow him to take possession of the premises i.e. a shed in the open space adjoining his oil godown in Budhwar Peth, Khanapur, though he has obtained from the court a decree in his favour, to get the possession of the same. He further states that the matter has been referred to the Village Panchayat Committee which has kept the papers pending

3 We may call for remarks from the Collr. of Belgaum in the first instance.

4 ~~The~~ Draft is put up.

GSM
27/4/53

H Br

457 BRA 1453 | 42722

P.W.D.

The Collr. of Belgaum

expedite inor No BRA 1453 | 42722-H

dtd. 1-8-53

Asst 1/8/53

Secy 1/8/53

Issued

Supdt

H Br

BRA 1453
153492
P.W.D

- the collr & Belgaum

expedited under No BRA 1453/153452-4

dt 19-2-54

ISSUED
10/2

9/2/54

9/2/54

Sy.S

9/2

~~33~~ 11

BRA 1454
79721
P.W.D

Submitted with a draft 34 para
for approval.

GSW
29/6/54

AS (II)

No BRA 1454/79721-H

To P.W.D
B.C (B.)

30 — 6-54

Shri Adawayya Chambayya
Vastrad
Khanapur, Dist Belgaum

Sub: as at p 9 ante

Sir,

W.r. to the correspondence ending with your letter, dtd 12-6-54, on the above subject, I am directed to state that the matter is under consideration.

DA Nil

Y.t.
A.S.

Immediate

Copy with the letter, dtd 12-6-54, in original from shri Vastrad forwarded to the Collr of Belgaum in continuation of C.E., P.W.D, No BRA 1453/42722-H, dtd 27-4-53.

X To be returned

2 The Collr is requested to forward his remarks, in the matter, to Govt immediately

ISSUED Date 30/6/54

P. issued

30/6

29/6/54

30/6

HBr

13

BRA 1454

79721

O.W.D

the Collr of Belgaum

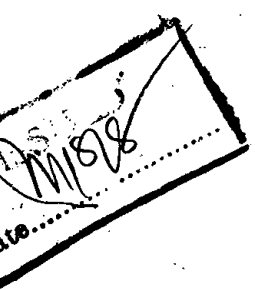
expedite on 18—8—54

GSM
18/8/54

MAV
18/8/54

Supdt

Please expedite
18/8



14

H Br

BRA 1454

11873 21 CS

11887 D 2-39/5

P.W.D.

submitted.

1 the report from the Collr. of Belgaum may be awaited till 20-9-54. If the report is not received by that time the Collr. may will be expedited by a d.o.

SW
14/9/54

14/9/54

A

14/9/54

AS(II)

1/10/54

H Br

BRA 1454.
138439
P.W.D

Submitted

2 Pl. see 'A', of the colrs report at- ₱25-M C/S
₱ 2'6 C/S. ₹

3 Await-

Gsan
5/11/54

S/Xill

AS(II)

~~BRA 1454~~
~~H Br~~

BRA 1454
162671
P.W.D

Ad(2-4/11) In view of 'A' at ₱ 27 C/S
these ₱₱ may be kept in await-

Gsan
14/12/54

A-(3-12)
3-12

17

BRA 1454/10457

H Br

P294/S

Submitted for information

Await

PM

29/1/55

fmb 28/1/55

Supt'd

The Colon. of Belgium has been expedited under G. M. No. 29.2.55.

fmb 23/2

Issued

return

232

19

RA 1454/864

UBS

VD. (Sec; Rel Aff)

Submitted.

1. One Shri. Vastiad of Khanpur complained to Govt. that the sarpanch of the Village Panchayat Committee & the Police Patil of Khanpur were obstructing him from taking possession of a shed in the open space adjoining his oil godown though he had obtained from the court a decree in his favour to get the possession of the same. In this connection, pl. see the letters from the Collr. of Belgaum on p 25, 27 & 33 cls. In view of the Collr's letter on p 33 cls, the party may be informed as per draft put up for approval.

UBS
14/3/65

16/3/65

Ans

G. R., G. D., No. 2403, dated 22-6-22.]

Std. Sectt. 78 c.

DOCKET SHEET.

BRA 1453/4272

Subject:—

File ~~9/29553~~.

P.W. Pol. DEPT.

~~Ad~~ ~~F.K~~ BRANCH.

References:—

Date.	To whom sent.	Notes and instructions.
7/4/53.	R 10/4/53	Bl: chase reply to K'Bom
10.4.53	R 10/4/53 10/4	Please note: Bl 10/4

NO BRA 1453 | 42722-4 | 21.

R. W. D.
B. C (Bn)

27th - 4-53

Shri Adawayya Chambayya
Vastrad of
Kharpur, Dist. Belgaum

Sub: Complaint against the Sarpanch Village Panchayat Committee and the Police Patil, Khanapur re: obstruction in taking possession of premises - of Shri Vastrad.

Sir;

With ref: to your petition dtd: 6-3-53, addressed to the Secy. to Govt, R. D., on the above subject, I am directed to state that the matter is receiving attention.

D H Nil

Y. +.

AS

Copy with the petition dtd 6-3-53 from Shri Vastrad regarding complaint against Shri Vastrad the Sarpanch, Village Panchayat Committee and the Police Patil for alleged obstruction in taking possession of premises, forwarded to the Collr. of Belgaum for remarks.

Please return with 2 copies

27/4

mad (O.C)
27/4/53

No. BRA 1453/42722 II.

Public Works Department,
Bombay Castle (Bombay No.1),
27th April 1953.

From

The Assistant Secretary to the Government of Bombay,
Public Works Department.

To

Shri Adaweyya Chambayya Vastrad of
Khanpur, District Belgaum.

Subject:- Complaint against the Sarpanch Village Panchayat Committee and the Police Patil, Khanapur regarding obstruction in taking possession of premises of Shri Vastrad.

Sir,

With reference to your application dated 6th March 1953, addressed to the Secretary to Government, Revenue Department, on the above subject, I am directed to state that the matter is receiving attention.

Yours faithfully,

27-4-53 a/c with 2A

Assistant Secretary to the Government of Bombay,
Public Works Department.

D.A.-Nil.

SAM.
27/4/53.

Copy

Copy with the application in original dated the 6th March 1953, from Shri Vastrad regarding complaint against the Sarpanch, Village Panchayat Committee, and the Police Patil for alleged obstruction in taking possession of premises, forwarded to the Collector of Belgaum for remarks.

BRA 1453/42722

H Br

P.W.D

ISSUED
28-6-53

The collr of Belgaum
expedited under
No BRA 1453/42722-H
dtd 15-6-53

15/6/53

15/6/53

15/6

Supdt

ISSUED
15-6-53

No. PCHSR-3194.
Belgaum, 20th July 1953.

To

The Assistant Secretary to the Government
of Bombay, Public Works Department,
Bombay.

Subject:-Complaint against the Sarpanch V.P.C.
and the Police Patil of Khanapur.

Reference:-Government P.W.D. letter No. BRA-1453/
42722-H dated 27th April 1953.

The Mamlatdar of Khanapur who was asked to submit a detailed report has suggested to hold enquiry under Sec.37(2) of the Land Revenue Code to decide the ownership over the plot. The Assistant Collector, B.D. Belgaum has accordingly been directed to enquire in the matter. The decision will be reported in due course.

AGC/30-7.

For Collector of Belgaum.

No. PCHSR-3194
Belgaum, 11/8/1953.

To

The Assistant Secretary to the Government of Bombay,
Public Works Department, Bombay.

Subject:-Complaint against the Sarpanch V.P.C.
and the Police Patil of Khanapur.

Reference:-Government P.W.D.Reminder No. BRA-1453/42702-H
dated 1/8/1953.

Even No. dated 30/7/1953. Further report will be submitted after enquiry under Sec.37 (2) L.R.C. is completed.

AG/12-8.

For Collector of Belgaum.

No. PCHSR- 3194.
Belgaum, 22/10/1953.

To

The Superintendent,
Public Works Department,
Bombay.

Subject:-Complaint against the Sarpanch V.P.C. and Police Patil of Khanapur.

Reference:-Government P.W.D. Memo No. BRA-1453/96111-4 dated 5/10/1953.
2) This office even No. dated 30/7/1953.

The report is still awaited from the Assistant Collector, S.D. Belgaum who is again being expedited.

AGC/22-10

For Collector of Belgaum.

No. P.C.H.S.R. 3195.
Office of the Collector,
Belgaum. 14-11-1953.

To

The Assistant Secretary to Government,
Public Works Department, Bombay.
B O M B A Y.

Subject:- Complaint against the Sarpanch V.P.c and Police Patil of Khanapur.

Reference:- Govt. P.W.D.endt. No. B.R.A.1453/42722-H dated 27th April, 1953.
ii) This Office even no. dated 22.10.53.

The Mamlatdar of Khanapur who was directed to hold enquiry under section 37 (2) of the L.R.C. has promised to complete the enquiry by 17-11-1953. I will send my final report thereafter.

for Collector of Belgaum.

BKA/14/11

No. PCHSR 3195
Belgaum 29-12-53

To

The Superintedent Public Works Department.

Bombay.

Subject:- Complaint against the Sarpanch and the Police patil of Khanapur.

Reference:- Government P.W.D. Memo. No. B.R.D.1453/1346690 H dated 18-12-53.

The report from the Mamlatdar Of Khanapur is still awaited who has been expedited in the matter.

for Collector Belgaum.

No. POH.S.R. 3195.
Belgaum:- 15-2-54.

To

The Superintendent,
P.W.D. Bombay.

Subject:- Complaints against the sarpanch and the Polic Patil of Khanapur.

Reference:- Govt. P.W.D. memo No. BRA/1453/153492 H dated, 10-12-54.

Report of the Mamlatdar Khanapur is still awaited who has been expedited in the matter.

For Collector of Belgaum.

No. PCHSR-3195,
Belgaum, 20. April 1954.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject :- Complaint against the Sarpanch and the Police Patil of Khanapur.

Reference Government, P.W.D., Memo. No. MRA-1453/73175 H dated 10/4/1954 the enquiry under section 37(2) of the Land Revenue Code is not yet complete. The Prant Officer, K.P. is being expedited.

For Collector of Belgaum.

VGI/18/4.

Form-C(Rule 29 (2). 39

Whereas in accordance with a notice duly issued and served under Rule 29(1) of the Land Revenue Rules, an enquiry was held by me on 23-11-1953 and subsequently and an order was passed on 20-8-1954.

Notice is given to the below mentioned persons that my decision and order is that the open site adjoining the present Khanapur Chavadi, is under the ownership of Shri Shrishailappa Mallappa Gouri of Khanapur.

Dated this 20th day of August 1954.

Sd/
Mamlatdar of Khanapur.

To

Shri A.C.Vastrad etc. etc.

From:- Shri Adiweyya Chembayya Vastrad,
at P.O. Khanapur, District Belgaum.

To

The Collector of Belgaum.

Sir,

Reference your No.GB/PCHSR-3194.

I would invite your kind attention to the order No.Nil. dated the 20th August 1954 passed by the Mamlatdar of Khanapur. In my first application dated 6th March 1954, addressed to the Secretary to Govt. Revenue Department, Bombay, I have expalined the whole situation of the case. Even after a report is called for from Govt. in April, 1953 the matter was not expedited vigorously, and the result of the enquiry is that, the Mamlatdar Khanapur has passed an order saying that the open site is under the ownership of one Shri Shrishailappa Mallappa Gouri of Khanapur. The order of the Mamlatdar is vague and suspicious. It does not also give reasons to justify the decision taken by the Mamlatdar. It shows the lack of sufficient knowledge of the Mamlatdar in passing such orders. The very action of holding the enquiry under Rupe 29 (1) of the Land Revenue Rules is itself not proper as the question of fixing the ownership in this case does not arise at all.

I am the owner of the site for many years, i.e. since-1916; the site is in possession of the tenant since 1946; the tenant committed a default in paying me the fixed rent according to the deed dated 5-7-1947; I filed a Civil Suit No.490/50 in Belgaum Court against the tenant for recovery of rent and possession of the site on 3-7-1950 ; the decree was passed in my favour on 29-8-1950. In view of all these activities since 1946, Shri Gouri never came forth nor complained that the said site is his. The struggle regarding the ownership of the site was between myself and the V.P.C.Khanapur, and I have produced before the enquiry officer, sufficient evidence, documentry and oral to prove that the said site belongs to me and is in my possession since-1916.

The Circle Officer/Khanapur held first enquiry on 24-12-1950 when Shri Gouri produced no evidence what-so-ever to prove that the site belongs to him. Since then the papers were tossed here and there and enquiries were again held at those times, and even then, Shri Gouri was not able to produce any evidence and he continued to fail to do so even on 23-11-1953 (i.e. after 3 years time) when the Mamlatdar held the enquiry himself.

After 23-11-1953, Shri Gouri's say had no support and he was entirely helpless in securing for him the necessary evidence. Shri Gouri being an influenced person at Khanapur, especially in view of the fact that he is related to the Hon.Minister for Local Self Govt, was successful in having time for three years from 24-12-1950 to 28-11-1953, to produce evidence, and the Mamlatdar's Office was also pleased to grant him the time. This would not have been the case in respect of other persons. The very fact that Shri Gouri could not produce any evidence for the last three years, and that he did not complain since 1946 when I had let out the site to a tenant, shows that Shri Gouri has no concern in this matter, and has unnecessarily poked his nose with the hope that he would succeed in getting the site through influence, and he really did so I suspect that the Mamlatdar himself took the responsibility of grant the site to Shri Gouri by some means. As Shri Gouri was entirely helpless in this matter, the Mamlatdar might have instruct him to prepare some document for the purpose as the Mamlatdar was always behind his back. After 23-11-1953, a bogus deed has been got prepared by Shri Gouri from Shri Motiram Vasudev Khasnis of Khanapur who is now at Bombay, has been handed over to the Mamlatdar which might have been included with the case papers. Shri Gouri had the order in his favour only on this ground.

In view of the circumstances stated above I pray that the case papers may kindly be called for from the Mamlatdar of Khanapur and after proper examination, the Mamlatdars's order may kindly be set aside as it is not justifiable and partial, and done on pure

influence

I am going to start a shop at that place, I am badly in need of the said site. Action may kindly be taken to set aside the order of the Mamlatdar, and allow me to take over possession of the site from the tenant before 'Vijaya Dashami'.

I keep every hope that your honour will kindly do the needful in the matter. Till the decision of this application is taken, the Mamlatdar's Order may kindly be ordered to be stayed.

Date: 2-9-54

Yours Faithfully,

Copy submitted through the Prant Officer, B.P.Belgaum for favour of necessary action as requested for by me in the concluding paras of my application.

Copy submitted to the Secretary to Government, P.W.D. Bombay, with a request to kindly instruct the Collector, to take an early decision in the matter. In this case I invite kind attention to letters No.BRA-1453/42722, dated the 27th April, 1953, and BRA-1454/79721-H dated 30th June 1954. from Govt. P.W.D.

A copy of the order of the Mamlatdar's Order dated 20th August 1954, is enclosed for information.

P.W.D.
File No. BRA 1454
Serial No. 11873

6-9-54

No.GB/PCHSR-3194. Office of the Collector of Belgaum,
Belgaum, Dated 28th August 1954.

To

The Secretary to Government,
Public Works Department,
BOMBAY.

Subject:- Complaints against the Sarpanch and the Police Patil of Khanapur.

Reference Government, Public Works Department, Memo No.BRA 1454/79721-H, dated 18-8-1954, the report from the Mamlatdar of Khanapur is still awaited. He has been directed to submit his report early. A final report in the matter will be submitted on receipt of the report from the Mamlatdar.

DSC.

For Collector of Belgaum.

25 95

-No. GB/PCHSR-3194. Office of the Collector of Belgaum,
Belgaum, Dated 11th October 1954.

To

The Secretary to Government,
Public Works Department,
B O M B A Y.

Subject:- Complaint against the Sarpanch and Police Patil of Khanapur.

1. Reference Government Endorsement No.s (BRA 1453/42722-H, dated 27th April 1953 and BRA 1454/79721-H, dated 30th June 1954 and my letter of even No. dated 28-8-1954, it is the contention of the applicant that the open space adjoining the Chavadi building at Khanapur belongs to him and that the Police Patil and Sarpanch Village Panchayat Committee, Khanapur are obstructing him from taking the possession of the said site. On enquiry into the matter, it revealed that the said site was being used by the Panchayat for keeping the "Kachara" of the Village and, therefore, the Panchayat claimed it to be its property. But there were not sufficient records either with the Village Panchayat Committee or with Government to establish their claim over the said site. The Mamlatdar, therefore, proposed to hold enquiry under Section 37(2) of the Land Revenue Code to establish title over the said site.

2. The Mamlatdar was accordingly asked to hold enquiry under Section 37(2) of the Land Revenue Code as proposed by him. On enquiry, he held that the open site in question, belongs to one Shri S.M. Gouri of Khanapur and has accordingly passed an order in the matter saying that the applicant has no right on the open site under reference. No action is now necessary on the application presented by the applicant regarding handing over possession of the site, in view of the said order of the Mamlatdar.

(P.T.O.)

3. The applicant being aggrieved by the decision of the Mamlatdar has presented an application to me saying that the order passed by the Mamlatdar is illegal and that it may be set aside. This application is being considered separately and the decision arrived at will be intimated to Government in due course. A

As approved by
the Collector.

for Collector or Belgaum.

18/10

15/11

H
16/10

P. W. D.
File No. BRH 1454
Serial No. 138439

H
15-10-54

No.RB/LGLSR-3023. Office of the Collector of Belgaum
Belgaum, dated 26-11-1954.

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Complaint against the Sarpanch and Police Patil of Khanapur.

In inviting attention to para 3 of my letter No. GB/PCHSR 3194, dated 11-10-1954, I have to state that the applicant has since preferred an appeal to the District Deputy Collector Belgaum Sub Division Belgaum against the order of the Mamlatdar of Khanapur. I have therefore filed the application of the applicant referred to in para 3 of my letter under reference and the applicant is being informed accordingly . Further report will be submitted as soon as the appeal is decided by the Deputy Collector.

For Collector of Belgaum.

Letter 49

No. RB/LGLSR-3023
Belgaum, dated 13-1-1955

To

The Secretary to Government,
Public Works Department, Bombay.

Subject:- Complaint against the Sarpanch and Police Patil of Khanapur.

Reference Government Memorandum No. BRA-1454/162671-H dated 10-1-1955, I am awaiting report from the Prant Officer, B.P., Belgaum who has been reminded in the matter. I will submit my report as soon as I hear from him.

for Collector of Belgaum.

51 51

In the Court of Shri S.V.Patil, B.A. District Deputy Collector Belgaum Sub Division, Belgaum.

No. LND/SR-486

Parties.

Shri Adavayya Chambaya Wastrad of Khanapur - Appellant.

Vs.

Shri Shrishailappa Mallappa Gouri of Khanapur. Respondent.

O R D E R.

This is an appeal against the order of the Mamlatdar of Khanapur passed on 20-8-1954 under his No. NCR-SR-374 after holding an enquiry under section 37(2) L.R.C. that the vacant piece of land adjoining the present Chavadi at Khanapur vests in the respondent.

The case was fixed for hearing on 17-1-1955. The parties were heard through their pleaders.

The case originally started as an encroachment on Govt. land on the assumption that the site vests in Government. During the course of enquiry the appellant and the respondent began to claim that the site is of their own ownership. In order to decide whether the site vests in Government or in any individual a formal enquiry under section 37(2) L.R.C. has bee ordered to be held by the Collector. The Mamlatdar of Khanapur has accordingly held the enquiry and has held that the site vests in the respondent. Against this order the appellant has preferred this appeal .

Enquiry under section 37(2) L.R.C. is held to decide whether any land vests in Government or in private person or persons. Accordingly the Mamlatdar has decided that the site vests in the respondent and does not vest in Goverbment. An appeal would have lain to this Court if the Mamlatdar had held that the site vests in Government. Since the Mamlatdar ha already given his decision that the site does not vest in Government the dispute now is between the private parties- appellant and the respondent - and as such it is for the Civi Court to adjudicate such matters. The appeal therefore fails . The appellant should seek his remedy in a Civil Court if s advised.

Belgaum
31-1-1955

Sd/-
District Deputy Collector,
Belgaum Sub Division.

To
The Parties.
Copy of the forgoing submitted to the Collector of Belgaum
Copy forwarded to the Mamlatdar of Khanapur

Sd/-
District Deputy Collector
Belgaum Sub Division

D. D.
BRA 1454
884
H
3/3

No.RB/LGLSR-3023

Office of the Collector of Belgaum
Belgaum, dated 24-2-1955.

To

The Secretary to Government,
~~Revenue Department~~, Bombay.
Public Works Dept.

Subject:- Complaint against the
Sarpanch and Police Patil of Khanapur.

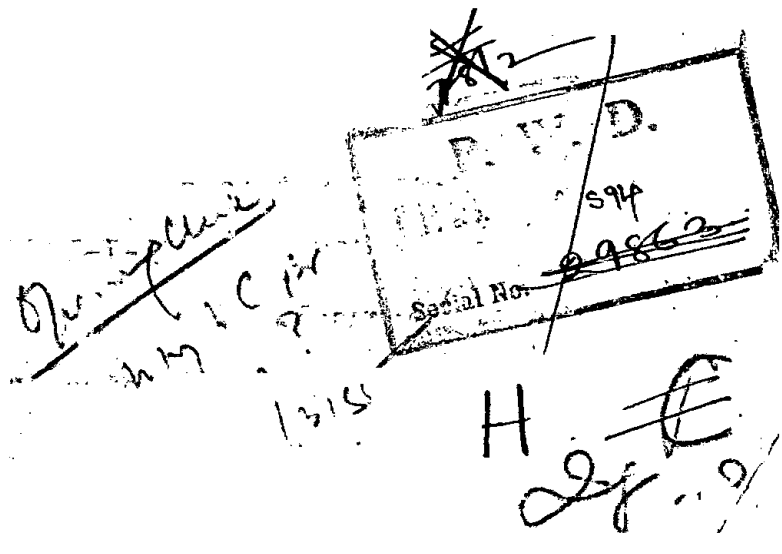
Reference Government memorandum No. BRA-1454/162671- dated 10-1-1955, in continuation of this office even No. dated 26-11-1954, I have to state that the District Deputy Collector Belgaum has since decided the appeal dismissing it on the ground that the dispute is between two private parties and as such it is for the appellant (i.e. the applicant) to approach Civil Court to seek his remedy. A copy of the order No. LNDSR 486 dated 31-1-1955 is enclosed herewith for favour of perusal.

2. In the circumstances the applicant may be asked to seek his remedy in a proper Court of Law if so advised and th

papers..

papers recorded.

for Collector of Belgaum.



~~35~~ 55 No. BRA 1454/8854-4
(D.D. (Sic, Delhi 9.4)
P.W.D. Secty.

9 MAY 1955 (1)
3-5-55.

To
Shri. Halawayya Channbayya Vastrad,
Khanapur, Dist: Belgaum.

Subj:- re ~~on~~ 133 ~~etc~~.

Sir,

In continuation of 9.2 12 MB No. BRA 1454/79721-4 dtd. the 30-6-54, on the above subj., I am directed to state that it is understood from the Distt. of Belgaum that your appeal against the Order dtd. the 29-8-54 of the Mamlatdar of Khanapur has been dismissed by the Dist. Dy. Collr, Belgaum Sub-Div. as the site in question does not vest in Govt: Since the dispute is now between you & Shri. S.M. Gouri and since it is for the Civil Court to adjudicate in such matters, you may pursue the matter in a Civil Court if so advised.

MB
14/5/55

Yours faithfully,
for Secretary to Government,
Revenue Department.

ISSUED
9 MAY 1955

The attached list of Collector of Gurgaon's cases pending with P.W.D. which are handed over to me at the time of inspection are forwarded for further action.

925

13.6.50.

Secy., P.W.D.

14/6

Recd. 14/6

This is now dealt with in R.H. & Buildings clear Delhi.

14/6

15/6

N.S. (Shri Jain) gone on inspection

Rch. H. and B.C. Deptt.
H&C.

Submitted with ref. to the Special Secy., P. and S. D.'s note ✓ 13-6-55.

2. The party has been replied under Govt. No. BRA 1454/884-H, ✓ 9-5-1955. The Collr. of Belgaum may be intimated as per draft put up.

17-6-55

17/6/55

Jt. Secy.